

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-10204

United States of America

v.

Paul Hicks

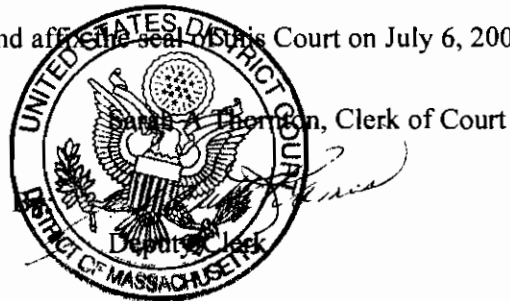
CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-64

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 6/15/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 6, 2007.



Receipt of the documents in the above entitled case is hereby acknowledged this date: 7-10-7.

Andre Bailey
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10204-GAO All Defendants
Internal Use Only**

Case title: USA v. Hicks
Magistrate judge case number: 1:05-mj-00010-LTS

Date Filed: 08/10/2005
Date Terminated: 05/29/2007

Assigned to: Judge George A. O'Toole,
Jr

Defendant

Paul Hicks (1)
TERMINATED: 05/29/2007

represented by **Joseph F. Krowski, Jr.**
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Designation: Retained

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TERMINATED: 08/12/2005
LEAD ATTORNEY
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Designation: CJA Appointment

Pending Counts

18:922(g)(1)-FELON IN POSSESSION
OF AMMUNITION
(1)

Disposition

360 months imprisonment on each of
counts 1,2, and 3, to run concurrently
with each other. The court recommends
to the Bureau of Prisons that the
defendant participate in the Bureau of

Prisons 500-Hour Residential Drug Abuse Program. Defendant is remanded to the custody of the United States Marshal. 8 years supervised release. 5 years on count 1, and terms of 8 years on Counts 2-3, all such terms to run concurrently. Defendant shall not possess a firearm; Defendant shall cooperate in collection of DNA; The defendant is not to consume any alcoholic beverages; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$300.00 Fine is waived.

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21:841(a)(1)-POSSESSION OF
COCAINE BASE WITH INTENT TO
DISTRIBUTE
(2)

21:841(a)(1)-POSSESSION OF
COCAINE WITH INTENT TO
DISTRIBUTE
(3)

The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$300.00. Fine is waived.

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Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Disposition

Complaints

21:841A=CD.F CONTROLLED
SUBSTANCE-SELL,DISTRIBUTE, OR
DISPENSE, 18:922G.F-UNLAWFUL
TRANSPORT OF FIREARMS

Disposition

360 months imprisonment on each of counts 1,2, and 3, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons 500-Hour Residential Drug Abuse Program. Defendant is remanded to the custody of the United States Marshal. 8 years supervised release. 5 years on count 1, and terms of 8 years on Counts 2-3, all such terms to run concurrently. Defendant shall not possess a firearm; Defendant shall cooperate in collection of DNA; The defendant is not to consume any alcoholic beverages; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$300.00 Fine is waived.

Plaintiff

USA

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/08/2005	<u>1</u>	COMPLAINT as to Paul Hicks (1). (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/08/2005	<u>2</u>	MOTION to Seal as to Paul Hicksby USA. (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/08/2005	3	Magistrate Judge Leo T. Sorokin : Electronic ORDER entered granting <u>2</u> Motion to Seal as to Paul Hicks (1) (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/10/2005	<u>4</u>	MOTION to Unseal as to Paul Hicksby USA. (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/10/2005	5	Magistrate Judge Leo T. Sorokin : Electronic ORDER entered granting <u>3</u> Motion to Unseal Document as to Paul Hicks (1) (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/10/2005	6	Electronic Clerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin :Initial Appearance as to Paul Hicks held on 6/10/2005; Atty Capin for Govt; Atty Smith for deft; court addresses the deft as to charges and rights; deft files financial affidavit; court appoints Atty Mark Smith c;

		Govt states maximum penalties and moves for detention; the deft is remanded to the custody of the US Marshal pending the Detention Hearing set for 6/14/2005 10:15 AM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Court Reporter digital.) (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/10/2005	3	Attorney update in case as to Paul Hicks. Attorney Mark D Smith for Paul Hicks added. (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/10/2005	4	(Court only) CJA 23 Financial Affidavit by Paul Hicks (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/10/2005)
06/15/2005	5	Magistrate Judge Leo T. Sorokin : Electronic ORDER entered. CJA 20 as to Paul Hicks: Appointment of Attorney Mark D Smith for Paul Hicks. (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/15/2005)
06/17/2005	6	MOTION to Withdraw as Attorney by Mark D. Smith. as to Paul Hicks. (Smith, Mark) [1:05-mj-00010-LTS] (Entered: 06/17/2005)
06/20/2005	7	PLEASE NOTE: The : Detention Hearing/preliminary exam has been set 6/23/2005 11:00 AM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/20/2005)
06/23/2005	8	Electronic Clerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin :Detention Hearing as to Paul Hicks held on 6/23/2005; Atty Capin for Govt; Atty Joe Krowski appears for deft; govt calls Agent Granatino to the stand and examines; deft cross examines witness; witness steps down; no more witnesses or evidence to produce; counsel present argument on probable cause; court finds probable cause; govt moves for detention; defense counsel moves for release with conditions; Deft WITHDRAWS REQUEST AND agrees to an order of voluntary detention without prejudice; deft is remanded to the custody of the US Marshal. (Court Reporter digital.) (Simeone, Maria) Modified on 6/24/2005 (Simeone, Maria). [1:05-mj-00010-LTS] (Entered: 06/23/2005)
06/23/2005	7	EXHIBIT/WITNESS LIST as to Paul Hicks (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/23/2005)
06/23/2005	8	Magistrate Judge Leo T. Sorokin : ORDER entered. ORDER OF VOLUNTARY DETENTION as to Paul Hicks (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/23/2005)
06/23/2005	9	Arrest Warrant Returned Executed on 6/10/05. as to Paul Hicks. (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/23/2005)
06/23/2005	10	NOTICE OF ATTORNEY APPEARANCE: Joseph F. Krowski, Jr appearing for Paul Hicks (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 06/24/2005)
07/01/2005	6	Magistrate Judge Leo T. Sorokin : Electronic ORDER entered granting 6 Motion to Withdraw as Attorney by Mark Smith as to Paul Hicks (1) (Simeone, Maria) [1:05-mj-00010-LTS] (Entered: 07/05/2005)

07/21/2005		Judge Douglas P. Woodlock : Electronic ORDER entered. Order on excludable delay as to Paul Hicks. Time excluded from July 29, 2005 until August 12, 2005 pursuant to allowance of motion filed in MBD 05-10276. (Diskes, Sheila) [1:05-mj-00010-LTS] (Entered: 07/21/2005)
07/21/2005		(Court only) ***Excludable started as to Paul Hicks: (Diskes, Sheila) [1:05-mj-00010-LTS] (Entered: 07/21/2005)
08/10/2005		INDICTMENT as to Paul Hicks (1) count(s) 1, 2, 3. (Diskes, Sheila) (Entered: 08/11/2005)
08/10/2005		Judge George A. O'Toole Jr.: ORDER entered. ORDER REFERRING CASE to Magistrate Judge Leo T. Sorokin Reason for referral: Pretrial Proceedings as to Paul Hicks (Diskes, Sheila) (Entered: 08/11/2005)
08/11/2005		ELECTRONIC NOTICE OF HEARING as to Paul Hicks the Arraignment has been set for 8/16/2005 11:00 AM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 08/11/2005)
08/12/2005		Attorney update in case as to Paul Hicks. Attorney Mark D Smith terminated. (Simeone, Maria) (Entered: 08/12/2005)
08/15/2005		NOTICE OF ATTORNEY APPEARANCE: Joseph F. Krowski, Jr appearing for Paul Hicks (Krowski, Joseph) (Entered: 08/15/2005)
08/16/2005		Electronic Clerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin : Arraignment as to Paul Hicks (1) Count 1,2,3 held on 8/16/2005.; Atty Richardson; Atty Krowski; A Plea was entered by Paul Hicks of Not Guilty on all counts. An Initial Status Conference has been set for 9/26/2005 02:15 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. Govt is to file an assented to motion excluding the time 8/16/05-9/26/05. (Court Reporter digital.) (Simeone, Maria) (Entered: 08/16/2005)
08/16/2005		(Court only) ***Excludable started as to Paul Hicks: (Simeone, Maria) Modified on 9/26/2005 (Simeone, Maria). (Entered: 09/26/2005)
09/26/2005		Electronic Clerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin : Status Conference as to Paul Hicks held on 9/26/2005; Counsel state status of the case; and request more time for discovery; Discovery due by 10/17/2005.; time excluded from 8/16/05-9/26/05 and 9/26/05 - 11/8/05 defense expects a motion to suppress be filed; An Interim Status Conference has been set for 11/8/2005 02:30 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Digital Recording #D.) (Simeone, Maria) (Entered: 09/26/2005)
09/26/2005		(Court only) ***Excludable started as to Paul Hicks: (Simeone, Maria) (Entered: 09/26/2005)
09/26/2005		Assented to MOTION for Excludable Delay from 8/16/05 to 9/26/05 as to Paul Hicks by USA. (Capin, John) (Entered: 09/26/2005)

09/26/2005	<u>15</u>	Magistrate Judge Leo T. Sorokin : ORDER ON EXCLUDABLE DELAY AND REPORT AND ORDER on Initial Status Conference as to Paul Hicks ; Time excluded from 9/26/05 until 11/8/05; Discovery due by 10/17/2005. ; final Status Conference has been set for 11/8/2005 02:30 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 09/27/2005)
09/27/2005		Magistrate Judge Leo T. Sorokin : Electronic ORDER entered granting <u>14</u> Motion to Exclude as to Paul Hicks (1) time excluded from 8/16/05-9/26/05 and 9/26/05-11/8/05. (Simeone, Maria) (Entered: 09/27/2005)
11/08/2005	<u>16</u>	Assented to MOTION for Excludable Delay from 11/8/05 to 11/15/05 and to Continue Status Conference as to Paul Hicks by USA. (Capin, John) (Entered: 11/08/2005)
11/09/2005		Magistrate Judge Leo T. Sorokin : Electronic ORDER entered granting <u>16</u> Motion to continue and Exclude as to Paul Hicks (1). Time excluded 9/26/05-11/15/05. The hearing will be held on 11/15/05 at 2:00pm (Simeone, Maria) Modified on 11/9/2005 (Simeone, Maria). (Entered: 11/09/2005)
11/09/2005		ELECTRONIC NOTICE OF HEARING as to Paul Hicks The Status Conference has been reset for 11/15/2005 02:00 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 11/09/2005)
11/09/2005		(Court only) ***Excludable started as to Paul Hicks: (Simeone, Maria) (Entered: 11/09/2005)
11/15/2005		Electronic Clerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin : Status Conference as to Paul Hicks held on 11/15/2005 ; counsel state status of the case and request more time; govt to file an assented to motion excluding the time 11/5/05-1/3/06; The final Status Conference has been set for 1/3/2006 02:00 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Digital Recording #d.) (Simeone, Maria) (Entered: 11/15/2005)
11/15/2005	<u>17</u>	Assented to MOTION for Excludable Delay from 11/15/05 to 1/3/06 as to Paul Hicks by USA. (Capin, John) (Entered: 11/15/2005)
11/17/2005		Magistrate Judge Leo T. Sorokin : Electronic ORDER entered granting <u>17</u> Motion to Exclude as to Paul Hicks (1). Time excluded from 11/15/05 - 1/3/06 (Simeone, Maria) (Entered: 11/17/2005)
11/17/2005		(Court only) ***Excludable started as to Paul Hicks: (Simeone, Maria) (Entered: 11/17/2005)
01/03/2006	<u>18</u>	Assented to MOTION for Excludable Delay from 1/3/06 to 2/13/06 as to Paul Hicks by USA. (Capin, John) (Entered: 01/03/2006)
01/03/2006		Electronic Clerk's Notes for proceedings held before Magistrate Judge Leo T. Sorokin : Status Conference as to Paul Hicks held on 1/3/2006; Atty Krowchuk by telephone; Atty Capin; the defense requests more time; The Final Status

		Conference has been set for 2/13/2006 02:45 PM in Courtroom 14 before Magistrate Judge Leo T. Sorokin. (Digital Recording #d.) (Simeone, Maria) (Entered: 01/03/2006)
01/03/2006	●	Magistrate Judge Leo T. Sorokin : Electronic ORDER entered granting <u>18</u> Motion to Exclude as to Paul Hicks (1). Time is excluded from 1/3/06-2/13/06. (Simeone, Maria) Modified on 1/4/2006 (Simeone, Maria) (Entered: 01/03/2006)
01/03/2006		(Court only) ***Excludable started as to Paul Hicks: (Simeone, Maria) (Entered: 01/03/2006)
02/10/2006	● <u>19</u>	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Paul Hicks (Capin, John) (Entered: 02/10/2006)
02/13/2006	●	ElectronicClerk's Notes for proceedings held before Magistrate Judge Leo Sorokin :Status Conference as to Paul Hicks held on 2/13/2006; counsel report they would like to set motion dates and have the case returned to the District Judge; Motions due by 3/6/2006; oppositions due 3/27/06; time excluded from 2/13/06-3/27/06; Govt to file an assented to motion excluding the time. (Digital Recording #d.) (Simeone, Maria) (Entered: 02/13/2006)
02/13/2006	● <u>20</u>	Magistrate Judge Leo T. Sorokin : ORDER entered. REPORT AND ORDER on Final Status Conference as to Paul Hicks; Motions due 3/6/06; oppositions due 3/27/06; Case to be returned to the District Judge assigned to this case for further proceedings. (Simeone, Maria) (Entered: 02/17/2006)
02/21/2006	●	NOTICE OF HEARING as to Paul Hicks Status Conference set for 4/11/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendar accordingly.(Lyness, Paul) (Entered: 02/21/2006)
03/03/2006	●	Set/Reset Hearings as to Paul Hicks: Status Conference set for 4/27/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 03/03/2006)
03/06/2006	● <u>21</u>	MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing</i> as to Paul Hicks. (Krowski, Joseph) Modified on 5/2/2006 (Edge, Eugenia). (Entered: 03/06/2006)
03/06/2006	● <u>22</u>	MEMORANDUM in Support by Paul Hicks re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing</i> (Attachments: # <u>1</u> Exhibit Exhibit A: Search Warrant KML-2# <u>2</u> Exhibit Exhibit B: Affidavit in Support of Application for Search Warrant <u>3</u> Exhibit Exhibit C: Search Warrant Return)(Krowski, Joseph) (Entered: 03/06/2006)
03/06/2006	● <u>23</u>	AFFIDAVIT in Support by Paul Hicks re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing</i> (Krowski, Joseph) (Entered: 03/06/2006)
03/15/2006	●	NOTICE OF HEARING ON MOTION as to Paul Hicks <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and</i>

		<i>Request for Hearing:</i> It appearing from the record that the Defendant's Motion to Suppress (#21), will be briefed by the end of March, the parties should be prepared to argue that motion to the court at the time previously scheduled as a status conference. Motion Hearing set for 4/27/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly.(Lyness, Paul) (Entered: 03/15/2006)
03/15/2006	<u>24</u>	NOTICE OF ATTORNEY APPEARANCE Nadine Pellegrini appearing for USA. (Pellegrini, Nadine) (Entered: 03/15/2006)
03/27/2006	<u>25</u>	MOTION for Extension of Time to April 10, 2006 to File Response/Reply as to <u>22</u> Memorandum in Support,, <u>23</u> Affidavit in Support of Motion as to Paul Hicks by USA. (Pellegrini, Nadine) (Entered: 03/27/2006)
04/07/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>25</u> Motion for Extension of Time to File Response/Reply as to Paul Hicks (Lyness, Paul) (Entered: 04/07/2006)
04/10/2006	<u>26</u>	MEMORANDUM in Opposition by USA as to Paul Hicks re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing</i> (MacKinlay, Glenn) (Entered: 04/10/2006)
04/23/2006	<u>27</u>	Letter (non-motion) regarding Discovery Letter as to Paul Hicks (Krowski, Joseph) (Entered: 04/23/2006)
04/27/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Govt- Nadine Pellegrini; Defendant- Joseph Krauski, Jr. Motion Hearing as to Paul Hicks held on 4/27/2006 re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing</i> filed by Paul Hicks, Defendant to file his reply brief by 5/12/06. further hearing set for 5/25/2006 02:45 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Shelly Killian.) (Lyness, Paul) Modified on 5/2/2006 (Edge, Eugenia). (Entered: 04/27/2006)
05/12/2006	<u>28</u>	Supplemental AFFIDAVIT in Support of Paul Hicks; by Paul Hicks re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing</i> (Krowski, Joseph) (Entered: 05/12/2006)
05/12/2006	<u>29</u>	Supplemental MEMORANDUM in Support by Paul Hicks re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing Reply to Government's Opposition</i> (Krowski, Joseph) (Entered: 05/12/2006)
05/12/2006	<u>30</u>	Supplemental MEMORANDUM in Support by Paul Hicks re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing Reply to the Issue of Standing</i> (Krowski, Joseph) (Entered: 05/12/2006)
05/25/2006		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Motion Hearing as to Paul Hicks held on 5/26/2006 re <u>21</u> MOTION to Suppress <i>Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing</i> filed by Paul Hicks, After oral argument

		the motion to suppress is DENIED. Jury Trial set for 6/5/2006 09:00 AM Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 05/26/2006)
05/26/2006	●	Motions terminated as to Paul Hicks: <u>21</u> MOTION to Suppress Evidence Seized Pursuant to an Unlawful Search Warrant and Request for Hearing filed by Paul Hicks,. (Lyness, Paul) (Entered: 05/26/2006)
05/30/2006	● <u>31</u>	Joint MOTION to Continue Trial Date of June 5, 2006 as to Paul Hicksby Paul Hicks, USA. (Pellegrini, Nadine) (Entered: 05/30/2006)
06/01/2006	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>31</u> Motion to Continue as to Paul Hicks (1) Jury Trial set for 7/10/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 06/01/2006)
06/20/2006	● <u>32</u>	MOTION for Discovery <i>Pertaining to Alleged Controlled Sales of Cocaine</i> as to Paul Hicks. (Attachments: # <u>1</u> Exhibit Attendance Records# <u>2</u> Exhibit April 23, 2006, letter# <u>3</u> Exhibit June 7, 2006, letter)(Krowski, Joseph) (Entered: 06/20/2006)
06/23/2006	● <u>33</u>	Assented to MOTION to Continue to After September 3, 2006 to continue trial and exclude time as to Paul Hicksby USA. (Mitchell, Jonathan) (Entered: 06/23/2006)
06/26/2006	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>33</u> Motion to Continue as to Paul Hicks (1) Jury Trial set for 10/16/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Final Pretrial Conference set for 10/5/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 06/26/2006)
06/26/2006	● <u>34</u>	NOTICE OF ATTORNEY APPEARANCE Jonathan F. Mitchell appearing for USA. (Mitchell, Jonathan) (Entered: 06/26/2006)
07/05/2006	● <u>35</u>	Opposition by USA as to Paul Hicks re <u>32</u> MOTION for Discovery <i>Pertaining to Alleged Controlled Sales of Cocaine</i> (Mitchell, Jonathan) (Entered: 07/05/2006)
07/07/2006	●	Set Hearing re Motion or Report and Recommendation in case as to Paul Hicks <u>32</u> MOTION for Discovery <i>Pertaining to Alleged Controlled Sales of Cocaine</i> . Motion Hearing set for 7/25/2006 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 07/07/2006)
07/17/2006	●	Case as to Paul Hicks no longer referred to Magistrate Judge Leo T. Sorokin. (Simeone, Maria) (Entered: 07/17/2006)
07/25/2006	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Motion Hearing as to Paul Hicks held on 7/25/2006 re <u>32</u> MOTION for Discovery <i>Pertaining to Alleged Controlled Sales of Cocaine</i> filed by Paul Hicks, Counsel is to file further briefings by 8/14/06. After

		review, the court will determine whether to schedule a hearing. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 07/26/2006)
08/14/2006	<u>36</u>	MOTION for Extension of Time to August 21, 2006 to File Records in response to Court's Order <i>July 25, 2006</i> as to Paul Hicksby USA. (Mitchell Jonathan) (Entered: 08/14/2006)
08/16/2006	<u>36</u>	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>36</u> Motion for Extension of Time to File as to Paul Hicks (1) (Lyness, Paul) (Entered: 08/16/2006)
09/06/2006	<u>37</u>	Judge George A. O'Toole Jr.: ORDER entered granting <u>32</u> Motion for Discovery as to Paul Hicks (1). Copies of the materials submitted in came shall be furnished to the defendant within fourteen days of the date of this order. (Lyness, Paul) (Entered: 09/06/2006)
09/07/2006	<u>38</u>	Letter (non-motion) as to Paul Hicks (Lyness, Paul) (Entered: 09/07/2006)
10/04/2006	<u>38</u>	Reset Hearings as to Paul Hicks: Final Pretrial Conference now set for 10/11/2006 02:15 PM in Courtroom 9 before Judge George A. O'Toole Jr. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 10/04/2006)
10/04/2006	<u>38</u>	Terminate Deadlines and Hearings as to Paul Hicks: (Lyness, Paul) (Entered: 10/04/2006)
10/04/2006	<u>39</u>	NOTICE <i>regarding increased punishment at sentencing</i> by Paul Hicks (Mitchell, Jonathan) (Entered: 10/04/2006)
10/04/2006	<u>40</u>	MOTION to Seal as to Paul Hicksby USA. (Edge, Eugenia) (Entered: 10/05/2006)
10/04/2006	<u>41</u>	SEALED MOTION as to Paul Hicksby USA. (Edge, Eugenia) (Entered: 10/05/2006)
10/10/2006	<u>42</u>	WITNESS LIST by USA as to Paul Hicks (Mitchell, Jonathan) Modified on 10/11/2006 (Edge, Eugenia). (Entered: 10/10/2006)
10/10/2006	<u>43</u>	MOTION in Limine <i>to Admit Other Crimes Evidence</i> as to Paul Hicksby USA. (Mitchell, Jonathan) (Entered: 10/10/2006)
10/11/2006	<u>44</u>	EXHIBIT LIST by USA as to Paul Hicks (Mitchell, Jonathan) Modified on 10/11/2006 (Edge, Eugenia). (Entered: 10/11/2006)
10/11/2006	<u>45</u>	WITNESS LIST by Paul Hicks (Krowski, Joseph) Modified on 10/12/2006 (Edge, Eugenia). Additional attachment(s) added on 10/12/2006 (Edge, Eugenia). (Entered: 10/11/2006)
10/11/2006	<u>46</u>	MOTION in Limine <i>Government's Supplemental Motion In Limine To Admit Other Crimes Evidence</i> as to Paul Hicksby USA. (Mitchell, Jonathan) (Entered: 10/11/2006)
10/11/2006	<u>46</u>	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Final Pretrial Conference as to Paul Hicks held on 10/11/2006.

		The jury trial is scheduled for Monday, October 16, 2006 at 9:00am in Courtroom 9 on the 3rd floor. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 10/11/2006)
10/12/2006	<u>47</u>	Proposed Voir Dire by USA as to Paul Hicks (Mitchell, Jonathan) (Entered: 10/12/2006)
10/13/2006	<u>48</u>	MOTION in Limine <i>Regarding the Admissibility of Utility Bills</i> as to Paul Hicks by USA. (Mitchell, Jonathan) (Entered: 10/13/2006)
10/15/2006	<u>49</u>	MOTION in Limine <i>to exclude prior bad acts</i> as to Paul Hicks. (Krowski, Joseph) (Entered: 10/15/2006)
10/15/2006	<u>50</u>	Proposed Voir Dire by Paul Hicks (Krowski, Joseph) (Entered: 10/15/2006)
10/15/2006	<u>51</u>	MOTION to Continue <i>the trial date</i> as to Paul Hicks. (Attachments: # <u>1</u> Affidavit)(Krowski, Joseph) (Entered: 10/16/2006)
10/16/2006	<u>52</u>	Proposed Jury Instructions by USA as to Paul Hicks (Mitchell, Jonathan) (Entered: 10/16/2006)
10/16/2006	<u>53</u>	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>43</u> Motion in Limine as to Paul Hicks (1); granting <u>48</u> Motion in Limine as to Paul Hicks (1); denying <u>51</u> Motion to Continue as to Paul Hicks (1). The motions are decided in open court after oral argument. (Lyness, Paul) (Entered: 10/16/2006)
10/16/2006	<u>54</u>	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Voir Dire begun on 10/16/2006 Paul Hicks (1) on Count 1,2,3 (Court Reporter Debra Joyce.) (Lyness, Paul) (Entered: 10/16/2006)
10/16/2006	<u>55</u>	Judge George A. O'Toole Jr.: Electronic ORDER entered granting Nunc Pro Tunc <u>40</u> Motion to Seal as to Paul Hicks (1) (Lyness, Paul) (Entered: 10/16/2006)
10/17/2006	<u>56</u>	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Jury Trial as to Paul Hicks held on 10/17/2006. The jury is duly empanelled and sworn. Opening statements are given. Testimony of government witnesses Richard Long, Jeffrey Costello, Christopher McDermott and Thomas Keating given. Evidence presented. (Court Reporter Valerie O'Hara.) (Lyness, Paul) (Entered: 10/17/2006)
10/18/2006	<u>57</u>	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Jury Trial as to Paul Hicks held on 10/18/2006. Testimony of government witnesses Joseph Silvia, Stephanie Shafer, Patrick O'Malley, Michael Nunes, Eric Telford given. Testimony of government witness Debra LeVangie begins. Evidence presented. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 10/18/2006)
10/18/2006	<u>58</u>	Proposed Jury Instructions by Paul Hicks (Krowski, Joseph) (Entered: 10/18/2006)

10/19/2006	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Jury Trial as to Paul Hicks held on 10/19/2006. Testimony of government witness Dean LeVangie concludes. Government rests. Testimony of defendant witness Rosemarie Hicks given. Defendant rests. 11:45am- Court begins the charge- 12:00pm. 12:01pm- Govt Closing-12:29pm. 12:30pm- Deft. Closing- 12:54pm; 12:55pm-Govt. Rebuttal- 12:59pm; 1:00-Court concludes its charge-1:20pm. Jury begin deliberations and have lunch. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 10/20/2006)
10/19/2006	● 54	JURY VERDICT as to Paul Hicks (1) Guilty on Count 1,2,3. PSR Ordered. Defendant is continued Remanded. (Exhibits returned to government) (Lyness, Paul) (Entered: 10/20/2006)
10/19/2006	● 55	Judge George A. O'Toole Jr.: ORDER entered. PROCEDURAL ORDER entered. sentencing hearing as to Paul Hicks Sentencing set for 1/22/2007 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 10/20/2006)
10/19/2006	● 56	EXHIBIT/WITNESS LIST (Lyness, Paul) Additional attachment(s) added on 10/20/2006 (Lyness, Paul). (Entered: 10/20/2006)
10/24/2006	●	Judge George A. O'Toole Jr.: Electronic ORDER entered terminating <u>41</u> Sealed Motion as to Paul Hicks (1); terminating <u>46</u> Motion in Limine as to Paul Hicks (1); terminating <u>49</u> Motion in Limine as to Paul Hicks (1), as all issues related to these motions were resolved at trial. (Lyness, Paul) (Entered: 10/24/2006)
12/13/2006	● 57	First MOTION to Continue <i>from 01/22/2007 to 03/01/2007 to Sentencing Hearing</i> as to Paul Hicks. (Krowski, Joseph) (Entered: 12/13/2006)
12/14/2006	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>57</u> Motion to Continue as to Paul Hicks (1) Sentencing set for 3/1/2007 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 12/14/2006)
02/12/2007	● 58	EXCERPT TRANSCRIPT of Jury Trial Day Four (Testimony of Rosemarie Hicks) as to Paul Hicks held on October 19, 2006 before Judge O'Toole. Court Reporter: Shelly M. Killian. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-7117 or the Clerk's Office. (Scalfani, Deborah) (Entered: 02/12/2007)
02/13/2007	● 59	MOTION to Continue <i>the Rule 11 Sentencing Hearing</i> as to Paul Hicks. (Krowski, Joseph) (Entered: 02/13/2007)
02/14/2007	●	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>59</u> Motion to Continue as to Paul Hicks (1) Sentencing set for 4/24/2007 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 02/14/2007)

04/02/2007	<u>60</u>	Assented to MOTION to Continue to May 29, 2007 to Sentencing Hearing as to Paul Hicks. (Krowski, Joseph) Modified on 4/3/2007 (Edge, Eugene) (Entered: 04/02/2007)
04/03/2007	<u>60</u>	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>60</u> Motion to Continue as to Paul Hicks (1) Sentencing set for 5/29/2007 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 04/03/2007)
05/24/2007	<u>61</u>	SENTENCING MEMORANDUM by Paul Hicks (Krowski, Joseph) (Entered: 05/24/2007)
05/29/2007	<u>61</u>	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Sentencing held on 5/29/2007 for Paul Hicks (1), 1, 2, 3, 360 months imprisonment on each of counts 1, 2, and 3, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons 500-Hour Residential Drug Abuse Program. Defendant is remanded to the custody of the United States Marshal. 8 years supervised release. 5 years on count 1, and terms of 8 years on Counts 2-3, all such terms to run concurrently. Defendant shall not possess a firearm; Defendant shall cooperate in collection of DNA; The defendant is not to consume any alcoholic beverages; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$300.00. Fine is waived.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 05/30/2007)
05/29/2007	<u>62</u>	Judge George A. O'Toole Jr.: ORDER entered. JUDGMENT as to Paul Hicks (1), 360 months imprisonment on each of counts 1, 2, and 3, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant participate in the Bureau of Prisons 500-Hour Residential Drug Abuse Program. Defendant is remanded to the custody of the United States Marshal. 8 years supervised release. 5 years on count 1, and terms of 8 years on Counts 2-3, all such terms to run concurrently. Defendant shall not possess a firearm; Defendant shall cooperate in collection of DNA; The defendant is not to consume any alcoholic beverages; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$300.00. Fine is waived.; Count(s) 1, 2, 3, 360 months imprisonment on each of counts 1, 2, and 3, to run concurrently with each other. The court recommends to the Bureau of Prisons that the

		defendant participate in the Bureau of Prisons 500-Hour Residential Drug Abuse Program. Defendant is remanded to the custody of the United States Marshal. 8 years supervised release. 5 years on count 1, and terms of 8 years on Counts 2-3, all such terms to run concurrently. Defendant shall not possess a firearm; Defendant shall cooperate in collection of DNA; The defendant is not to consume any alcoholic beverages; The defendant is to participate in a program for substance abuse counseling as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. Defendant is assessed \$300.00. Fine is waived. (Lyness, Paul) (Entered: 05/30/2007)
06/15/2007	<u>63</u>	MOTION to Withdraw as Attorney by Joseph F. Krowski, Jr., Esquire. as to Paul Hicks. (Krowski, Joseph) (Entered: 06/15/2007)
06/15/2007	<u>64</u>	NOTICE OF APPEAL by Paul Hicks NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 7/5/2007. (Krowski, Joseph) (Entered: 06/15/2007)
06/28/2007		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>63</u> Motion to Withdraw as Attorney. as to Paul Hicks (1) (Lyness, Paul) (Entered: 06/28/2007)
07/05/2007		(Court only) ***Staff Notes as to Paul Hicks: Case forwarded to J. Ramos (Edge, Eugenia) (Entered: 07/05/2007)